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ABSTRACT

This document is intended to help teachers teach their students about the Selective Service registration requirement and the need for young men to register with the Selective Service System in order to maintain their eligibility for federal loans, grants, and other educational benefits. The first 50% of the document consists of 10 sections devoted to the following aspects of the Selective Service System: (1) the Selective Service System today; (2) persons who must register with the Selective Service System; (3) the history of conscription in the United States; (4) the history of the Selective Service System; (5) the organization and functions of the Selective Service System; (6) the draft process; (7) the lottery; (8) Selective Service classification categories; (9) the duties and responsibilities of local and appeal boards; and (10) the claim and appeal process. The remaining 50% of the document consists of print versions of a Microsoft PowerPoint presentation on the Selective Service System that is available for downloading from the World Wide Web at http://www.sss.gov/tg2000.htm and covers the following topics: key elements of the Military Selective Service Act; the history of the Selective Service System; and the purposes, duties, and responsibilities of local draft boards. The bibliography contains 27 references. (MN)

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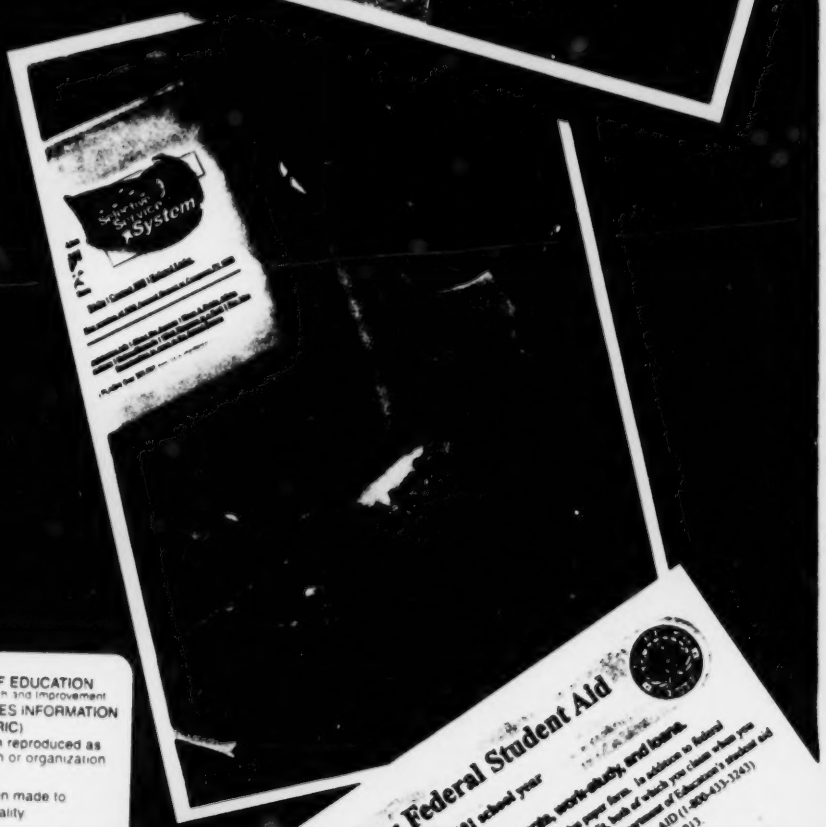
# A Teacher's Guide to the Selective Service System



Keep young men eligible for Federal Loans and Grants and other benefits. Use this Guide to teach them about the Selective Service registration requirement.

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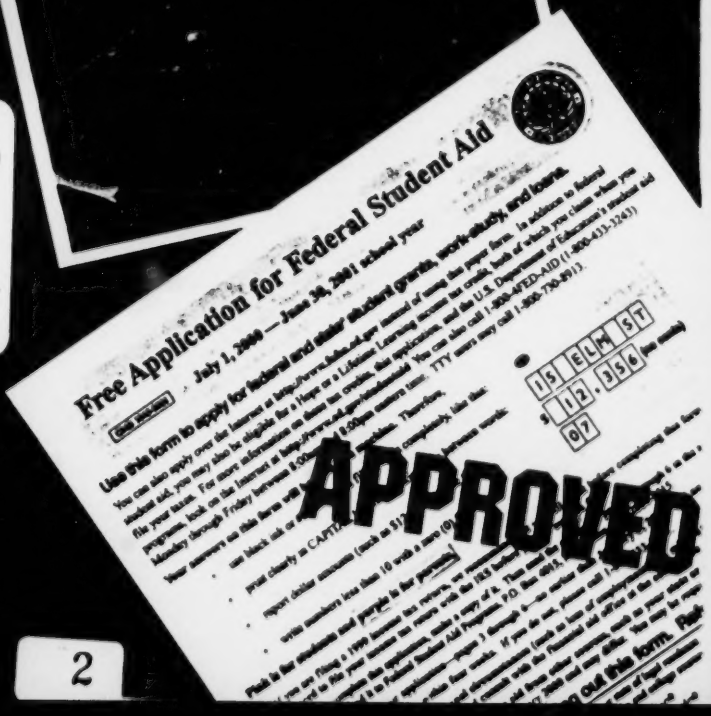


Men can register on-line at

**www.sss.gov**

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**Male U.S. citizens, wherever they live, and male noncitizens living in the United States, who have reached their 18th birthday but not reached their 26th, are required to be registered with Selective Service.***

## Ways a man can register:

- By initiating a registration on-line through the Agency's website at http://www.sss.gov
- By filling out a Selective Service registration form at any U.S. post office
- By completing a registration reminder postcard which he may receive in the mail shortly before his 18th birthday
- By telephone, if he receives a registration card in the mail from Selective Service with a PIN number allowing telephone registration
- At a High School participating in Selective Service's Registrar Program
- At any U.S. Embassy or consular office
- By agreeing to be registered when completing a Federal student financial aid application or when applying for entry into a Federal job training program
- By completing the Immigration and Naturalization Service, "Application to Adjust Permanent Status", Form I-485

*There are a few exceptions to this requirement, and those are described in this *Guide*.

**Find out more** about the Selective Service and the registration requirement by calling **1-888-655-1825.**

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Note: The Teacher's Guide Presentation found at the end of this book is also available on the Selective Service System's web site at www.sss.gov/tg2000.htm. It is available for download as a PowerPoint presentation and as an Adobe Acrobat PDF file.

# The Selective Service System Today

**"...it shall be the duty of every male citizen of the United States, and every other male person residing in the United States, who...is between the ages of eighteen and twenty-six, to present himself for and submit to registration...."**

***[Section 3(a), Military Selective Service Act]***

The Selective Service System is an independent civilian agency within the Executive Branch of the Federal Government.

The legislation under which this Agency operates is the Military Selective Service Act (Title 50 U.S. Code, Appendix 451-471). Under this law, the mission of the Selective Service System is twofold: to deliver manpower to the Armed Forces in time of an emergency, and to administer an Alternative Service Program for conscientious objectors.

No one has been drafted since 1973 when the President's authority to draft ended. The draft can only be reinstituted after the Military Selective Service Act is amended by Congress.

Even though no one is being drafted, men must register with Selective Service when they turn 18. Peacetime registration provides a list of names and addresses of men who might be called upon if a return to the draft is authorized, but registration does not imply that a return to the draft is imminent.

## Who Must Register

Male U.S. citizens, whereever they live, and male noncitizens living in the United States, who have reached their 18th birthday but not reached their 26th, are required to be registered with Selective Service. There are a few exceptions to this requirement, and those are described below. The proclamation under which registration is required was signed in 1980. It said that men born on or after January 1, 1960, must register with Selective Service within 30 days of their 18th birthday. Late registrations are accepted, but not once a man reaches age 26. (Note: Men may submit registration information at 17 years of age. Their information is held until 30 days prior to their 18th birthday, when it is then processed).

## Exemptions From Registration

A man is exempt from registering while he is on full-time active duty in the U.S. Armed Forces. Cadets and Midshipmen at the service academies are included in the exemption.

Members of the National Guard and Reserve forces not on full-time active duty must register. When a man is released from active duty he must register at that time, unless he has reached age 26 or is already registered.

Lawfully admitted noncitizens—for example, a foreign national on visitor or student visas and members of diplomatic or trade missions and their families—are not required to register. Noncitizen parolees and refugees, and illegal aliens living in this country, must register.

Those men who can not register on time due to circumstances beyond their control—because they are in a hospital or are institutionalized or incarcerated—do not have to register until they are released. After release, if they are under age 26, they have 30 days to register.

Disabled men who live at home must register if they are reasonably able to leave the home and go into a public place. A friend or relative may help a disabled person fill out the form if he can't do so by himself.

## Women and the Draft

The law specifically refers to "male persons" in describing who must register and who might be drafted. When Presi-

dent Carter resumed the registration requirement, he asked Congress to change the law and include women. But in 1980, the Senate did not approve the change and the House did not act on his request. Later, the Supreme Court in *Rostker v. Goldberg* upheld the constitutionality of a male-only registration. It should be noted that the Supreme Court opinion did not prohibit the registration, or potential conscription of women. Rather, the Court considered only whether the registration of males only (and not females) violated the due process clause of the Fifth Amendment. The Court ruled that the Military Selective Service Act's registration provisions did not violate the Fifth Amendment, and that Congress acted "well within its constitutional authority to raise and regulate armies and navies" when it authorized the registration of men and not women.

**In 2000, more than three-quarters of the Nation's high schools have a faculty member designated as a Selective Service Registrar, so it is possible to register in these schools.**

The requirement of registration to fulfill Department of Defense needs for combat troops was a significant factor in the Court's consideration. Congress decided that registration is a necessary part of the Nation's mobilization capabilities, and that any future draft would be characterized by the need for combat troops. Women, however, are excluded from most combat positions by policy. Therefore, the registration of women was deemed unnecessary when registration was reinstituted. Women could become subject to a draft if the nature of a future emergency requires that people with critical skills be drafted. For example, if Congress so directs, the Selective Service System would be prepared to register, classify, and process for induction men and women who practice critical health care skills...doctors, nurses, and medical technicians.

Men *cannot* register after reaching age 26.

## How To Register

A young man has several ways to register.

The quickest and easiest way is for a man to register instantly on-line through the Agency's Internet web site at http://www.sss.gov.

A man can register at any U.S. post office, where he fills out a Selective Service Registration Form 1 (UPO) by providing his name, address, date of birth, and Social Security number. A man completes the mail-back registration card at his leisure, adds a postage stamp, and mails it directly to the Selective Service.

Another way a man can register is by completing a registration reminder postcard he may receive in the mail shortly before his 18th birthday. He completes, signs, and mails back the postcard to Selective Service for processing.

A man may register by telephone if he receives a registration card in the mail from Selective Service with a PIN number allowing telephone registration.

A man may register at a high school participating in Selective Service's Registrar Program, at any U.S. Embassy or consular office, by agreeing to be registered when completing a Federal student financial aid application, or when applying for entry into a Federal job training program. In 2000, more than three quarters of the Nation's high schools have a faculty member designated as a Selective Service Registrar, so it is possible to register in these schools. The registration process is not complete until the man receives a printed acknowledgment in the mail from the Selective Service System. This registration acknowledgment card will include his Selective Service number and it will be mailed two to six weeks after he registers. It is an important document and should be retained by the registrant. Once a man has registered, his only responsibility is to notify Selective Service within ten days of any changes to his address or other information in his registration record. After January 1 of the year in which he will reach age 26, a registrant is no longer required to notify Selective Service of changes to his registration record.

## Penalties For Not Registering

A man's only duty right now under the Military Selective Service Act is to register at age 18 and then let Selective Service know within ten days of any changes in the information he provided on his registration form.

Failing to register or otherwise comply with the Military Selective Service Act is, upon conviction, punishable by a fine of up to $250,000, imprisonment for up to five years, or both. A person who knowingly counsels, aids or abets another to fail to comply with the Act is subject to the same penalties.

# Required to Register?

**All male U.S. citizens born after Dec. 31, 1959, who are 18 but not yet 26 years old, except as noted below.**

| Category | Need to Register? |
|---|---|
| **Military-Related** | |
| Members of the active duty military (active duty for training does not mean "active duty" for registration purposes.) | No* |
| Cadets and Midshipmen at Service Academies or Coast Guard Academy | No* |
| Cadets at the Merchant Marine Academy | Yes |
| Students in Officer Procurement Programs at The Citadel, North Georgia College, Norwich University, and Virginia Military Institute | No* |
| National Guardsmen and Reservists not on active duty | Yes |
| Delayed Entry Program enlistees | Yes |
| ROTC students | Yes |
| Those who leave Active Military Service for any reason before age 26 | Yes |
| Men rejected for enlistment for any reason before age 26 | Yes |
| Civil Air Patrol members | Yes |
| **Noncitizens**** | |
| Lawful nonimmigrants on visas (e.g., diplomatic and consular personnel and families, foreign students, tourists with unexpired Forms I-94, I-95A, or Border Crossing Documents I-185, I-186, I-586, or I-444). | No |
| Permanent residents | Yes |
| Special (seasonal) agricultural workers (I-688) | Yes |
| Special agricultural workers (I-688A) | No |
| Noncitizens officially in refugee, parolee, asylum status | Yes |
| Undocumented (illegal) noncitizens | Yes |
| Dual national U.S. citizens | Yes |
| **Confined** | |
| Incarcerated, or hospitalized or institutalized for medical reasons if released before reaching age 26 | Yes |
| **Disabled** | |
| Able to function in public with or without assistance | Yes |
| Continually confined to a residence, hospital, or institution | No |

* Must register within 30 days of release unless already age 26, or already registered when released, or unless exempt during entire period age 18 through 25.

** Residents of Puerto Rico, Guam, Virgin Islands, and Northern Mariana Islands are U.S. citizens. Citizens of American Samoa are nationals and must register when they are habitual residents in the U.S. Habitual residence is presumed whenever a national or citizen of the Republic of the Marshall Islands or the Federated States of Micronesia resides in the U.S. for more than one year in any status, except as a student or employee of the government of his homeland.



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## Student Aid

The law provides that men who are required to register with Selective Service and do not, may be denied most types of Federal student financial aid. The categories of aid covered include Pell Grants, Supplemental Education Opportunity Grants, Federal College Work-Study, Federal Perkins loans, and Federal Stafford Loans.

Under an agreement made in 1990 between the Department of Education (DOE) and Selective Service, DOE provides Selective Service with names of student financial aid applicants. The names are matched against Selective Service registration files to verify registration status. Nonregistrants who have checked the "Register Me" box on the financial aid application are automatically registered.

Most states have enacted legislation which denies young men state education funds if they have not registered. Some states require payment of out-of-state tuition or deny entry into state colleges or universities to male students who have not registered.

## Job Training Benefits

A man participating in training and employment programs under the Workforce Investment Act (WIA) of 1998 is required to be registered with Selective Service to receive job training benefits.

The WIA helps create programs to prepare youth and unskilled adults for entry into the labor market through specific job training.

## Federal Employment

A man must be registered with Selective Service to be hired within many areas of the Federal Government. Agencies requiring registration as a condition of eligibility for employment include all Departments and Agencies within the Executive Branch of the Federal Government including the Central Intelligence Agency and the National Park Service. Also, a man cannot work for the U.S. Postal service if he is not registered.

## Citizenship

Male immigrants seeking U.S. citizenship must be registered with Selective Service to qualify for citizenship.

## Other Consequences

Many states, local government agencies, police departments, and state bar examiners are requiring applicants to register to be eligible for employment or state education funds. Such conditions are established by local law and policy, and may vary from state to state.

## Agency's Goal

In peacetime, the goal of the Selective Service System is registration, not prosecution. If a draft is ever needed, it must be fair. Fairness depends on the completeness of the registration list, so that each draft-age man who might be eligible for service would be considered along with everyone else. Every man who fails to register is not only breaking the law, he is directly increasing the likelihood of involuntary service for those who are registered, should the draft resume. ✦

## Summary of Important Points

1. Although no draft is in effect, men are required to register with Selective Service within 30 days of their 8th birthday. (Note: Men may submit registration information at 17 years of age. Their information is held until 30 days prior to their 18th birthday, when it is then processed).
2. Male U.S. citizens and most male aliens residing in the United States are required to register.
3. Because Selective Service law refers to "male persons," women are not subject to registration or a possible draft. Congress would have to change the wording of the law in order for women to be registered.
4. The current registration requirement applies to men born after December 31, 1959.
5. Men may register at any U.S. post office, or a U.S. embassy, or consular office. They may also register by mail if they receive a registration reminder postcard in the mail or at high schools participating in the High School Registrar Program. They may also register instantly on-line through the Agency's web site, at http://www.sss.gov. Also, men may register by telephone if they receive a Selective Service registration card in the mail with a PIN number allowing telephone registration.

6. The only information a man provides when he registers is his name, address, date of birth, and Social Security number.

7. At this time a man's only duty under the Military Selective Service Act is to register when required and subsequently, to notify Selective Service within ten days of any changes in the information he provided on his registration form until he turns 26 years old (after January 1 of the year in which he turns 26).

8. Failing to register or otherwise comply with the Military Selective Service Act is a felony punishable by a fine of up to $250,000, imprisonment for up to five years, or both.

9. Eligibility for Federal student aid, job training benefits, U.S. citizenship, and most Federal and certain state government employment is tied to whether a man is registered with Selective Service.

10. The purpose of registration is to have a list of names and addresses of men who might be called if it is necessary to reinstate the draft.

## Q&As

**Q: What must a man do under Selective Service law?**

A: A man must register with Selective Service within 30 days of his 18th birthday, and let Selective Service know within 10 days of any changes in the information the provided on his registration form, until he reaches age 26.

**Q: Which Federal programs make registration compliance a condition of eligibility?**

A: Applicants for Federal student aid, Workforce Investment Act benefits, U.S. citizenship, and those men seeking employment with most agencies of the Federal Government must be registered.

**Q: What are the legal penalties for failing to register?**

A: A man who is convicted of failure to register may be fined up to $250,000, imprisoned for up to five years, or both.

**Q: Who is required to register with Selective Service?**

A: With very few exceptions, males residing in the U.S., and U.S. citizens living abroad, must register within 30 days of their 18th birthday.

**Q: How does a man register?**

A: By completing a registration form at the post office, by having a faculty or staff member help him to register through the High School Registrar Program, by completing a Selective Service registration card he may get in the mail, or by registering instantly on-line through the Selective Service System's Internet web site at http://www.sss.gov, or by telephone, if you receive a Selective Service registration card in the mail with a PIN number allowing telephone registration.

**Q: Why aren't women required to register and subject to the draft?**

A: The Military Selective Service Act refers to "male persons" in setting forth who must register. Congress did not act on President Carter's request to change the wording of the law to include women. The Supreme Court has upheld the constitutionality of men-only registration.

# The History of Conscription in the United States

**"Congress shall have power...to raise and support armies..."**

***[Article 1, Section 8 of the Consitution of the United States]***

Throughout our Nation's history, Federal and state governments have required some form of compulsory military service to meet national emergencies. Conscription in America can be traced historically to colonial times and stems from the old English militia tradition in which every able-bodied free man had an obligation to his country to bear arms in its defense. Harsh living conditions in the colonies and on the frontier required that every man be prepared to defend himself at all times as a matter of self-preservation.

Many conscription laws were passed in the colonies to meet specific requirements for military service. The militias, in many instances, were restricted to the boundaries of the colonies they served. Serving in the militia was the forerunner of service in the present-day National Guard. In colonial times the authority of government to require military service was generally unchallenged. Colonies resorted to conscription only infrequently, and men could avoid military service by getting married, paying a commutation fee, or hiring a substitute.

## First Draft Laws

The United States first attempted a national draft during the Civil War. In August 1862, President Abraham Lincoln needed to raise 300,000 troops for nine months service. He asked for a certain number of men from each state. In March 1863, a conscription law was enacted providing for an All-Federal Service with quotas of men required for service allotted to Congressional districts. Again, the options of commutation or substitution were permitted. In the South, universal conscription applied after April 1862, but there, too, a wide range of exemptions was allowed.

The constitutionality of a wartime Federal draft was first considered in the case of *Kneedler v. Lane* [45 Pa. St. 238 (1863)]. The Pennsylvania court upheld the Conscription Act of 1863. The court decision recognized the need for the government to wage war, and the individual citizen's obligation to serve his country.

Following the declaration of war in 1917, Congress enacted a comprehensive draft law designed to conscript manpower for the duration of the emergency. This law did not provide the options of commutation and substitution. The law also authorized the President to create Local Boards of three or more civilians to determine all questions of exemption of registrants within their respective jurisdictions.

The constitutionality of the 1917 Selective Service law was challenged in the Federal courts. The Supreme Court consolidated a number of cases pertaining to this law and decided unanimously to uphold it in *Ames v. United States* (*Selective Draft Law Cases*), 245 U.S. 366 (1918). The Court noted that Congress was given the power by the Constitution to "raise and support armies," to declare war," and "to make all laws which shall be necessary and proper to carry into execution the foregoing powers," thus the Court decided that Congress had the constitutional power to conscript men for the war. After World War I, the draft law expired and was not reinstituted until 1940 when U.S. involvement in another war looked likely.

## First Peacetime Draft

Anticipating involvement with the ongoing war in Europe, Congress passed the first peacetime draft law in 1940, the Selective Training and Service Act. Again, the constitutionality of the draft law was immediately challenged. But district courts in four major cases [*United States v. Cornell*, 36 F. Supp. 81 (District Court of Idaho 1940); *Stone v. Christensen*, 36 F. Supp. 739 (District Court of Ore. 1940); *United States v. Rappeport*, 36 F. Supp. 915 (District Court Southern District of New York 1941); and *United States v. Garst*, 39 F. Supp. 367 (District Court Eastern District of Pa. 1941)], rejected the argument that a peacetime draft was unconstitutional. (Courts of Appeals had taken the same

view. The Supreme Court in *Rostker v. Goldberg*, 453 U.S. 57 [1981] assumed the constitutionality of a "peacetime" draft.) Essentially, the courts affirmed that it was unrealistic to construe the Constitution and the *Selective Draft Law Cases* to mean that war must be declared before a draft could be instituted. On the grounds that military necessity required a broader construction of Congress' power under the Constitution, the district courts decided that the power to raise armies by conscription was not dependent upon the power to declare war.

The Selective Training and Service Act of 1940 also established deferments and exemptions. Of the more than 15 million men who served in the Armed Forces during World War II, approximately two thirds were draftees. Industrial and agricultural production in support of the war and the "home front" were kept at necessary levels through the classification process of deferring men in necessary occupations from military service.

After World War II, President Truman recommended to Congress that Selective Service law be permitted to expire in 1947, with the reservation that if voluntary enlistments for the Armed Forces proved insufficient, reenactment would be requested. In one year, actual military strength fell to 1.4 million from 2 million. Therefore, little more than one year after the 1940 Act expired in 1947, Congress enacted new Selective Service legislation, effective for two years, to ensure that the Armed Forces were maintained at their authorized strength at all times. Only 30,000 men were inducted under this Act between 1948 and the beginning of the Korean conflict in 1950. During the Korean conflict, however, the draft provided more than 1.5 million of those serving in uniform.

## Selective Service System

The Korean Conflict prompted Congress to extend the 1948 Selective Service Act and in 1951 Congress acted to make the Selective Service System a permanent agency of the U.S. Government. These laws were responsible for the evolution of the draft to a permanent part of the military manpower procurement structure.

The basic structure of the draft system didn't change through the 1960's. During this period, the Selective Service System continued to register men for the draft to maintain an available manpower pool, even when the Department of Defense requirement for draftees fell to zero during a short time in 1961. Until 1965, when the United States involvement in Vietnam rose sharply, there were virtually no debates or opposition to extension of induction authority. With the escalation of the Vietnam War in 1965, manpower needs increased. However, of the 8.8 million who served between July 1, 1964, and June 30, 1973, only 1.8 million were draftees.

**During peacetime and short periods of limited conflict, the military services have shown their ability to recruit and retain the manpower they are authorized. However, requirements in a major armed conflict are much greater.**

The last draft calls went out in 1972, and the President's authority to draft ended on July 1, 1973. The last man inducted entered the Army on June 30, 1973. Since that time, the United States has relied solely on volunteers for its Armed Forces.

Registration continued until early 1975 when it was suspended. The requirement for men to register, with no draft in effect, was reinstated in the summer of 1980.

It would take an act of Congress to reinstate any draft. During peacetime and short periods of limited conflict, the military services have shown their ability to recruit and retain the manpower they are authorized. However, requirements in a major armed conflict are much greater. The military may not have enough recruits needed to fill wartime requirements, nor was it ever intended they be able to do so in an emergency. This is why the Selective Service System has remained in place, ready to respond. ✦

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## Summary of Important Points

1. The militia concept brought by the colonists to America was based on the belief that every man had an obligation to his country to bear arms in its defense.
2. The Constitution gives the Federal Government the power to raise and maintain an armed force and to declare war.
3. The general authority to draft men into the Armed Forces expired in 1973, but registration continued until 1975, when it was suspended. It was reinstated in July 1980.
4. It would require an act of Congress to resume the draft.

### Q&As

**Q: What is the legal basis for conscription in the U.S.?**

A: The Constitution of the United States empowers Congress to raise and maintain armed forces. In the occasional challenges to this authority, the courts have upheld the constitutionality of national conscription.

**Q: Was the draft used only in times of armed conflict?**

A: In 1940, prior to World War II, Congress passed legislation providing for a peacetime draft. That legislation expired in 1947. However, declining military strengths prompted Congress to enact new legislation which continued the draft until July 1973. Since 1973, the U.S. has relied solely on volunteers for its military.

**Q: If the Nation now relies on volunteers for military service, why is registration with Selective Service necessary?**

A: Peacetime registration guarantees the Selective Service System's ability to provide additional manpower quickly and fairly if an emergency makes it necessary to increase the size of the Armed Forces.

# The History of the Selective Service System

**"The Congress further declares that in a free society the obligations and privileges of serving in the Armed Forces and the Reserve Components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the main tenants of an effective national economy."**

*[Section 1(c), Military Selective Service Act]*

The militia concept of defense was based on the belief that every man had an obligation to his country to bear arms in its defense and was brought by colonists to America. Even though the Continental Congress authorized a regular military force during the Revolutionary War, it was unable to get enough recruits. When the Civil War started, national conscription began in March 1863. A conscription law was enacted establishing manpower quotas by Congressional District for a Federal armed force. The South had adopted a similar conscription system the previous year.

On both sides, those who could afford it were able to avoid military service by hiring substitutes. In many cases, the money offered to these substitutes was substantially better than the regular pay received by volunteers. This had the effect of creating two classes of soldiers and caused great division among the ranks.

In the North, exemptions from service could be purchased for $300, a sizable sum at that time. The South, in turn, allowed many exemptions based on a person's occupation. These included druggists, journalists, lawyers, teachers, and many others.

Following the Civil War, Brigadier General James Oakes, Acting Assistant Provost Marshall General for Illinois, recommended many ways to eliminate critical weaknesses in the Civil War draft system. He recommended having local groups of civilians involved in deciding who would be drafted. This was an important concept implemented in World War I.

## World War I Draft laws

The Oakes Report of 1866 laid the foundation for the World War I draft law which was enacted on May 18, 1917. This law prohibited the hiring of substitutes and created local Civilian Boards composed of three or more members, "none of whom shall be connected with the Military Establishment." The Boards were granted power within their own jurisdictions to determine all cases of exemption from military service. By the end of the war, civilian draft boards in 4,600 communities had registered nearly 14 million men and inducted more than 2.8 million into military service. The draft expired at the end of the war and the Nation returned to volunteer Armed Forces.

The first peacetime draft came about with the passage of the Selective Training and Service Act of 1940, also known as the Burke-Wadsworth Act. The 1940 law followed the basic principles of the World War I draft and resulted in the creation of more than 6,400 Local Boards with responsibility for classifying the men who registered. The Agency's National Headquarters provided directions to Local Boards to guide them in their decisions; however, these directions were general in nature and each Board took local conditions into account as it decided how registrants should be classified.

In 1947, following World War II, the Selective Training and Service Act was allowed to expire. But shortly after its expiration, President Truman, faced with Soviet aggression in Europe and the failure of voluntary methods to achieve and maintain the required strength of the Armed Forces,

asked for renewal of the draft. Congress responded with new legislation, the Selective Service Act of 1948. The Act provided that men be selected for the draft on a fair and equitable basis consistent with the maintenance of an effective national economy.

## Selective Service Act of 1948

Administration of the draft under this Act was highly decentralized. Local Boards of three or more civilians were established, and a smaller number of Appeal Boards, also composed of civilians, were created to review appeals of Local Board decisions. Regulations, directives and other guidelines were issued to give general guidance to the Boards, but as was the case during World War II, varying interpretations of the guidelines resulted in disparity in treatment of registrants in different parts of the country. This inequity was not seen as a major problem during the Korean Conflict and the peacetime draft which followed. It was not until the late 1960s, during the U.S. involvement in Vietnam, that the matter of perceived unequal treatment became a serious concern.

**A series of reforms around the end of the Vietnam conflict changed the way the draft operated in an effort to reduce a man's uncertainty about his chances of being drafted.**

A series of reforms around the end of the Vietnam conflict changed the way the draft operated in an effort to reduce a man's uncertainty about his chances of being drafted. Three major reforms, all of which are interrelated, were (1) the abolition of some categories of deferments, particularly student and occupational deferments, resulting in fewer reasons to excuse a man from service; (2) beginning in December 1969, the use of a lottery based on birth dates to determine the order in which men would be called, and (3) reducing a man's period of prime vulnerability for the draft to the year in which he turns 20, with his risk of being drafted steadily decreasing after that year.

The last draft calls went out in December 1972 and the President's authority to induct men ended in 1973, and the Selective Service System was placed in standby. From then on, its role became to plan and train for an emergency draft, to provide backup to the All-Volunteer Armed Force which was established as a result of recommendations made in 1970 by a Presidential commission. In 1975 registration was suspended, and in 1976 the state and local offices of the Selective Service System were closed. The Agency was reduced to fewer than 100 employees during this period of "deep standby."

By 1978, the Selective Service System was further reduced to the point where there was serious concern that it might not be able to fulfill its mission of providing manpower in an emergency. A number of revitalization actions were begun to improve the System's capabilities, and while these actions were under way, President Carter announced his intention to resume registration. In July 1980, the requirement for men to register with Selective Service was resumed. Men now register within 30 days of their 18th birthday. With very few exceptions, all males in the U.S.–both citizens and noncitizens–are required to register.

The Selective Service System and the Department of Defense share the responsibility for maintaining the military manpower procurement capability. When the All-Volunteer Force was established in 1973, it was not intended to stand alone in time of an emergency. Current plans provide that in the event of an emergency, the Armed Forces would be augmented quickly by the National Guard and Reserves. The next level of augmentation would be through the Selective Service System, which would begin classifying and ordering registrants to report to the nearest Military Entrance Processing Stations (MEPS), where each registrant would be examined to determine his acceptability for military service. ✦

## Summary of Important Points

1. During the Civil War, both the North and the South used a conscription system controlled by the military with no local civilian involvement in the process.
2. Local Boards composed of civilians were first used during World War I to decide who should be deferred or exempted from service.
3. The first peacetime draft in the U.S. was in 1940, over a year before U.S. entry into World War II.
4. In 1969 and the early 1970s, draft procedures were reformed in three ways. Many deferments were abolished, the lottery was established, and the establishment of a single year of prime draft eligibility.
5. Even though the authority to induct men ended in 1973, the Selective Service System remains responsible for supporting the volunteer armed force in an emergency. Peacetime registration guarantees the ability to respond quickly if an emergency makes it necessary for Congress to resume a draft.

### Q&As

**Q: How was the Civil War draft different from the System developed later?**

A: The Civil War draft was operated by the military with no local civilian involvement. Men could avoid service by hiring a substitute. Beginning with the World War I draft, civilian Local Boards were established to decide who should be deferred or exempted from service.

**Q: Is the draft used only in times of armed conflict?**

A: No. The first peacetime draft came in 1940, before U.S. involvement in World War II. A peacetime draft also existed before and after the Korean Conflict and the draft remained active during U.S. involvement in Vietnam. Right now, though, the U.S. relies on volunteers for its Armed Forces.

**Q: What is the mission of the Selective Service System when no draft is in effect?**

A: To administer the registration program and prepare to provide manpower to the Armed Forces if a national emergency makes it necessary for the draft to be reinstated.

**Q: What are the three major reforms of the Selective Service process which make the draft more equitable?**

A: The lottery, the abolition of many deferments, and the establishment of a single year of prime vulnerability to the draft.

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# Organization and Functions of the Selective Service System

**"If, at any time, calls for the induction of persons into the Armed Forces are discontinued...the Selective Service System...shall, nevertheless, be maintained as an active standby organization...."**

***[Section 10 (h), Military Selective Service Act]***

The twofold mission of the Selective Service System is to provide manpower to the Armed Forces during an emergency in response to requests made by the Department of Defense, and to develop and operate an Alternative Service Program for Conscientious Objectors. The Military Selective Service Act requires that upon granting of the legal authority to conduct a draft, the System be capable of immediate operation in the event of a national emergency.

## Structure

The Selective Service System is an independent agency within the Executive Branch of the Federal government. The Director of Selective Service is appointed by the President and confirmed by the Senate. The staff is primarily composed of civilians hired under the rules which apply to all Federal employees. Several active duty military officers and several hundred National Guard and Reserve officers are also assigned to the Selective Service System. In an emergency, the Reservists would be called to active duty to augment the full-time staff.

The law provides that the System will include a State Headquarters in each state, territory or possession, and in the District of Columbia; that Local Boards composed of civilians will be established; that there will be Appeal Boards for Federal Judicial Districts; and that a National Appeal Board will be established to act for the President as the highest level of appeal. Most of this structure is not operational when there is no draft, although Local and Appeal Board Members and State Directors have been appointed and are trained in case they are needed.

In 2000, only the National Headquarters, three Region Headquarters, and the Data Management Center are operational on a full-time basis. The rest of the field structure would be activated only if and when a draft is reinstated. If Congress authorizes and the President directs a return to the draft, State Headquarters, Local and Appeal Boards, and area offices would become operational almost immediately. ✦

## Summary of Important Points

1. The missions of the Selective Service System are to provide manpower to the Armed Forces in response to requests made by the Department of Defense, and to develop and operate an Alternative Service Program for conscientious objectors.
2. The Selective Service System is an independent agency within the Executive Branch of the Federal government. It is not part of the Department of Defense.
3. An expanded field structure of the Selective Service System would be required if the draft is resumed.

## Q&As

**Q: What is the mission of the Selective Service System?**

A: The twofold mission of the Selective Service System is to provide manpower to the Armed Forces in response to requests made by the Secretary of Defense, and to develop and operate an Alternative Service Program for conscientious objectors.

**Q: Is the Selective Service System a part of the Department of Defense?**

A: No. It is an independent agency within the Executive Branch of the Federal government. It shares with the Department of Defense the responsibility for military manpower procurement. The Director of Selective Service reports directly to the President.

**Q: What is the organizational structure of the Selective Service System?**

A: The Selective Service System has a National Headquarters, three Region Headquarters, a headquarters in each state, and one for New York City, the District of Columbia, Guam, Puerto Rico, the Virgin Islands and the Northern Mariana Islands. Local Boards are allocated to counties and corresponding political subdivisions. Appeal Boards cover the same areas as Federal judicial districts; a National Appeal Board, which reports to the White House, is the highest level of appeal.

**Q: Is the entire structure operational today?**

A: No. The Boards and the State Headquarters would be activated only if Congress should authorize a resumption of the draft, but the Board Members and State Directors have been appointed and trained.

**Q: How is an adequate military force maintained?**

A: The military recruits volunteers for the All-Volunteer Force, which includes active and reserve forces. If necessary, Congress would authorize by law, and the President would direct the Selective Service to augment these forces through a manpower draft in a national emergency.

**Q: In the event of a national emergency, what is the order of call-up for military service?**

A: Right now, plans provide that in a national emergency, the active Armed Forces would first be supplemented by the National Guard and Reserves; the next additions to the military would probably be draftees provided by the Selective Service System.

# The Draft Process

**What would happen if a draft is ever needed? Here is a brief overview:**

**1** **Congress and the President Authorize a Draft**
There is a crisis requiring a return to conscription to meet military manpower needs. Congress passes, and the President signs legislation which activates the draft.

**2** **The Lottery**
A lottery based on birthdays determines order in which registered men are called for possible service. The first to be called for examination and induction, in a sequence determined by the lottery, would be men whose 20th birthday falls during the calendar year of the draft, followed if needed by those aged 21, 22, 23, 24, and 25. Eighteen-year-olds and men turning 19 during the year would probably not be drafted.

**3** **Components of Agency Activated**
The Selective Service activates its field structure and orders its State Directors, Reserve Force Officers, and Board Members to report for duty.

**4** **Physical and Mental Examinations**
Registered men turning 20 that year, whose birth dates drew low lottery numbers, are ordered to report for a physical and mental examination at the nearest Military Entrance Processing Station to determine if they are fit for service.

**5** **Induction Notices Sent and Local and Appeal Boards are Activated**
Those who pass the military exam will have ten days to file a claim for deferment or exemption. If no claim is filed or the claim is denied, they will be ordered for induction when their lottery number is reached. Postponements may be granted for certain reasons after an induction order is issued. Local Boards and Appeal Boards would start processing registrant claims.

**6** **First Draftees Are Inducted**
Within 193 days from the onset of a crisis, Selective Service must deliver the first draftees, according to current plans.

# The Lottery

If and when Congress and the President reinstate a military draft, the Selective Service System would conduct a National Draft Lottery to determine the order in which young men would be called. The lottery would help ensure two things: a random selection of men, and enable a man to know his chances of bring drafted very early in the draft process.

Here's how a lottery would work: Capsules are drawn simultaneously from two lottery drums. Rotating drums are used to mix the capsules to assure randomness. Each contains 365 (366 in a leap year) capsules. Each capsule in the first drum contains a different date of the year. These represent all the possible birth dates in a given year, from January 1 through December 31 (including February 29 in a leap year).

The second drum has an identical number of capsules, each containing a number from 1 through 365 (or 366). These represent random sequence numbers that will be paired with birth dates to assign the order of call.

As each birth date is drawn, its random sequence number is also drawn.

For example, a birth date capsule is drawn containing the date February 2, along with a number capsule containing the number 56. This means that all men born on February 2 who turn 20 that year would have sequence number 56 assigned to them. In this example, men whose birth dates draw sequence numbers from 1 to 55 as a result of the lottery will be called before those men born on February 2.

**All 365 (or 366) capsules from the "birthday" drum are paired with the sequence capsules drawn simultaneously from the "numbers" drum until every date has a sequence number.**

All 365 (or 366) capsules from the "birthday" drum are paired with the sequence capsules drawn simultaneously from the "numbers" drum until every date has a sequence number. If the draft continues beyond the end of the calendar year, a new lottery will be held the following year to apply sequence numbers to the next group of men reaching age 20. ✦

## Summary of Important Points

1. One of the first steps taken in the event of a draft would be a lottery drawing.
2. The lottery would ensure two things: a random selection of men, and the ability of a man to know his chances of being drafted very early in the draft process.
3. Two drums, one holding capsules containing birth dates and the other holding capsules containing sequence numbers, are rotated to mix the capsules to assure randomness.
4. Men with low sequence numbers will have a greater chance of being called than those with high lottery numbers.
5. If the draft continues beyond the end of the calendar year, a new lottery will be held to apply sequence numbers to the next group of men reaching age 20.

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## Q&As

**Q: What is the purpose of the lottery in a draft?**

A: The purpose of the Selective Service lottery is to make sure the selection process for drafting men is fair and equitable.

**Q: What will a lottery help ensure?**

A: The lottery will help ensure that the selection of men to be drafted will be done in a random manner. For example, every man with the same birth date (month, date, and year), would, if classified 1-A, have an equal chance of being inducted. It will also allow a man to know his chances of being drafted early in the draft process.

**Q: How many drums are used in the draft lottery and what do they hold?**

A: Two rotating drums are used; one to hold capsules containing birthdates of young men, and the other to hold capsules containing random sequence numbers. Drawing one capsule simultaneously from each drum results in the pairing of a birth date and a sequence number.

**Q: How many lottery drawings are held during a draft?**

A: One lottery drawing is held for each year of birth of men who will be called.

# Selective Service Classification

**"The selection of persons for training and service...shall be made in an impartial manner, under such rules and regulations as the President may prescribe...."**

***[Section 5(a)(1), Military Selective Service Act]***

Classification is the process of deciding who is available for military service and who is postponed, deferred, or exempted from service. If the draft resumes, men will be called for examination in an order determined by the lottery. When found qualified, they can file claims for deferments or exemptions.

## Classification Categories

The following classification categories would be used:

**1-A**

Available for service.

**1-C**

Members of Armed Forces of the U.S., the National Oceanic and Atmospheric Administration, or the Public Health Service on active duty.

**1-D-D**

Members of Reserve Components (including the National Guard and advanced level ROTC cadets who have already signed a Reserve contract) are eligible for a separate classification and perform their military service in the National Guard or Reserves.

**1-D-E**

Exemption of certain members of a Reserve Component or students taking military training.

**1-H**

Registrant not currently subject to processing for induction or alternate service.

**1-O and 1-A-O**

Conscientious objectors who may be called upon to perform service to the Nation in a manner consistent with their opposition to participation in war. Their beliefs must be religious, moral or ethical in nature, as opposed to those based solely on politics, expediency, or self-interest.

Two classes are available for conscientious objectors depending upon what a man believes. Class 1-O is the man who is opposed to participating in any military service. If his claim is granted by the Board, he will be exempted from military training and service. After he has been examined and found qualified, or he has waived the examination, he may be assigned to perform alternative (civilian) service. He will serve for 24 months in a civilian job serving the national health, safety or interest, as defined by the Director of Selective Service.

Class 1-A-O is for the man who is opposed only to training and service in the Armed Forces that involve the using of weapons. If his claim is granted, he will be exempted only from combatant military training and service. This means that he will be assigned noncombatant military duties. He will receive no weapons training and will serve his military requirement in a noncombatant capacity.

**Class 2-D**

Ministerial students in a recognized theological or divinity school are deferred from service until they finish their studies.

**Class 3-A**

Hardship deferments are available for men whose induction would result in hardship to persons who depend upon them for support. A registrant may be granted a hardship deferment when: (1) induction would result in extreme hardship to his wife when she alone is dependent upon him for support; or (2) deferment is advisable because his child, parent, grandparent, brother, or sister are dependent upon him

for support. Hardship deferments granted for any of the reasons identified will not be extended for longer than 365 days unless eligibility for deferment is reestablished.

**Class 3-A-S**

Registrant who has been separated from active military service because of dependency or hardship.

**Class 4-A**

Veterans generally are exempt from service in peacetime.

**Class 4-A-A**

Registrant who has performed military service for a foreign nation.

**Class 4-B**

Certain elected officials, such as the Vice President of the United States and Members of Congress, are exempt from service as long as they continue to hold office.

**Class 4-C**

Non-citizens and dual nationals, in some cases, may be exempt from U.S. military service depending upon their place of residence, country of citizenship, or how long they have lived in the United States.

**Class 4-D**

Ministers who preach and teach as their customary vocation may be exempted from service.

**Class 4-F**

Assigned to those found physically, mentally, or morally unacceptable for military training or service.

**Class 4-G**

Exempt as a surviving son in a family where the father, mother, brother, or sister died as a result of U.S. military service, or is in a captured or missing-in-action status. In a congressionally declared war, this exemption is not available.

**Class 4-T**

Alien who is exempt from military service under the terms of a treaty of international agreement between the United States and the country of which he is a national.

Registrants who are not deferred or exempt are considered to be available for military service (1-A). The military sets the standards of acceptability for military service and examines men to find out who is physically, mentally, and morally fit for military service.

A man would be most vulnerable for a draft in operation during the calendar year in which his 20th birthday falls. After December 31 of that year, if he was not called during the preceding 12 months, he drops into a lower priority, and each succeeding year he continues to drop into lower priority groups until he is over the age of liability for the draft. The lowest priority groups would contain those men who are 18 and will reach age 19 during the calendar year. These men would be called only in an extreme manpower shortage. Under present law, a man's liability for the draft expires on January 1 of the year he will reach age 26 unless he has been previously deferred from service. Classification into any of the deferred categories extends his liability for induction to age 35.

## Student Postponements

A postponement may be requested by students after they receive an induction order.

A high school student can have his induction postponed until he graduates or reaches age 20, or, if he is in his last academic year, until he graduates, even if he has reached age 20. A college student can be postponed until the end of the semester; a college senior, until the end of the academic year. ✦

## Summary of Important Points

1. Classification is the process of determining who is available for military service and who should be deferred or exempted.
2. The Department of Defense sets the standards of acceptability for military service and conducts the examinations.
3. Following receipt of an induction notice and passing the military exam, a registrant can file a claim for a deferment or exemption.
4. A person would be in the highest priority group for any resumption of the draft during the calendar year in which he turns 20.

## Q&As

**Q: When is a registrant initially classified by Selective Service?**

A: When his lottery number is reached for examination or induction, assuming his 20th birthday falls within that calendar year.

**Q: What if a registrant believes he is entitled to reclassification?**

A: A registrant who has been ordered for induction or found acceptable for military service by a preinduction exam, may request a deferment or exemption by completing a request form and sending it to the Selective Service office serving him. His induction will be delayed until his claim has been processed and decided.

**Q: What is a conscientious objector?**

A: A conscientious objector is someone classified by the Selective Service System as having deeply held religious, moral, or ethical beliefs against participating in war.

**Q: Can a registrant claim conscientious objector status not based on religious training or belief?**

A: Yes. His claim can be based on personal beliefs that are ethical or moral.

**Q: Is a conscientious objector completely excused from military or other public service in deference to his beliefs?**

A: No. Depending on the nature of their beliefs, conscientious objectors may be required to serve in noncombatant military roles, or perform civilian alternative service in the national health, safety or interest, in lieu of duty in the Armed Forces.

**Q: When is a registrant most likely to be drafted if the draft is reinstituted by Congress and the President?**

A: During the calendar year he turns age 20.

# Local and Appeal Boards — Duties and Responsibilities

**"The President is authorized...to create and establish within the Selective Service System civilian Local Boards, civilian Appeal Boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions..."**

***[Section 10(b)(3), Military Selective Service Act]***

Even though there is no plan to draft anyone into military service right now, there is a need to have a system at the ready in case a national emergency requires such action.

With the President's call to resume registration in 1980 came a revitalization of the Selective Service System, including the Local and District Appeal Boards that will be activated in the event of a return to a draft. The Boards will decide claims for certain classifications. Although Board Members have been appointed and trained, the Boards are now inactive until the inductions are resumed.

**No Board Member will be allowed to act upon his own case or the case of a registrant who is a close relative, or where a close relationship of business or employment exists.**

No Board Member will be allowed to act upon his own case or the case of a registrant who is a close relative, or where a close relationship of business or employment exists. In such cases, if the Board cannot act, the file will be transferred to another Board for a decision. The integrity of the Selective Service System will depend in large measure on a fair and effective classification process conducted by highly able, trusted and objective leaders in local communities. Selective Service realizes that no matter how competent, respected, or well-intentioned they may be, Board Members must be aware of Selective Service laws and regulations. Because of this, each Board Member receives formal training.

The initial training program consists of about 12 hours of instruction, focusing primarily on: (1) an intensive orientation to the Selective Service System, including some historical perspective; (2) major duties and responsibilities of Local Board Members; and (3) procedures to be followed by the Local Board. Each Board Member is issued a training manual that includes separate sections on instruction, Selective Service procedures, and related documentation.

The Selective Service System conducts continuation training for its Boards on a regular basis. The primary goals of this training are: (1) to maintain a state of readiness of Board Members to perform their jobs; (2) to keep Board Members current regarding any changes in the law, regulations, responsibilities, and related agency policies and procedures; and (3) to enhance Board Members' skills, on a continuing basis.

## Local Boards

Local Board jurisdictions are based on counties or corresponding political subdivisions, although in larger cities there may be more than one Board, and in sparsely populated areas a Board may serve several counties. Board Members, who serve without pay, will make judgments about certain registrant claims for deferments or exemption from

military service if a draft is resumed. In fact, Local Board Members are the only officials permitted to make initial decisions about claims of conscientious objection, hardship, ministries of religion and students studying for the ministry. Local Boards will also review claims denied by the Selective Service System area offices for other classifications or student postponements if a registrant requests a review.

Board Members must be at least 18 years old, citizens of the United States, and residents of the area served by the Board. They may not be members of the Armed Forces, either active, reserve, or retired. The Director of Selective Service, acting on behalf of the President, appoints Local Board Members upon recommendation of the state governors or comparable executive officials. To the maximum extent possible, the membership on each Board reflects the ethnic composition of the registrants within its jurisdiction.

**Board Members must be at least 18 years old, citizens of the United States, and residents of the area served by the Board. They may not be members of the Armed Forces, either active, reserve, or retired.**

## Appeal Boards

District Appeal Board areas correspond to Federal judicial districts. The Board Members serve without compensation. They must be U.S. citizens and residents of the area for which the respective Appeal Board has jurisdiction. They may not be members of the Armed Forces, either active, reserve, or retired.

A District Appeal Board reviews and affirms or changes any decision appealed to it from any Local Board in its area, or any decision appealed from any Local Board not in its area which has been transferred from another Appeal Board. This responsibility is discharged during formal meetings of the members of the Board.

If a claim for classification is denied by the District Appeal Board, and one or more members of the Appeal Board dissent from the classification assigned, the registrant may appeal to the President. An appeal to the President will be determined by the National Appeal Board. There is no administrative appeal from the decision of the National Appeal Board. ✦

## Summary of Important Points

1. The Boards remain inactive until a draft is resumed.
2. Board Members will decide claims made by registrants and must be prepared to examine evidence, and in some cases, interview registrants and their witnesses about the claim.
3. All Board Members receive training in Selective Service law, regulations, and procedures, so their decisions will be as fair as possible.
4. Registrants can appeal decisions of the Local Board to the District Appeal Board. If the District Appeal Board's decision is not unanimous, the registrant can appeal to the National Appeal Board.

## Q&As

**Q: What classification actions are taken by the Local Board?**

A: The Local Board takes action on claims for conscientious objection, hardship, ministers of religion and students studying for the ministry. The Local Board will also review claims for other classifications or student postponements that were denied by the area office, should a registrant request such a review.

**Q: How are Local Board Members trained to make classification decisions?**

A. Local Board Members participate in formal training upon appointment and also in continuation training. Each member is issued a training manual that includes Selective Service procedures as governed by the Military Selective Service Act.

**Q: Can a registrant appeal a unanimous vote by the Local Board to deny a claim for reclassification?**

A: Any denial of a judgmental classification by the Local Board may be appealed to the District Appeal Board.

**Q: Under what circumstances may the decision of the District Appeal Board be appealed?**

A: An appeal may be made to the President from any decision of a District Appeal Board which is not unanimous. The appeal will be determined by the National Appeal Board.

**Q: May the decision of the National Appeal Board be appealed?**

A: No. The decision of the National Appeal Board is final; there is no administrative appeal.

# Claim and Appeal Process

**"It is hereby declared to be the purpose of this section to guarantee to each registrant asserting a claim before a Local or Appeal Board, a fair hearing consistent with the informal and expeditious processing which is required by Selective Service cases."**

***[Section 22(a), Military Selective Service Act]***

If inductions resume, a lottery based on birth dates would be conducted by the Selective Service System. Men would then be ordered for examination and/or induction. The sequence would be decided by lottery. Men would probably first be ordered to report for examination to find out if they are physically, mentally, and morally acceptable for military service. If found acceptable, men with low lottery numbers could be ordered for induction shortly thereafter. If found acceptable for military service at a preinduction examination (conducted by the military), men would be classified 1-A. At that time, they could request an exemption or deferment by filing a claim with Selective Service. If a man files a claim, further induction processing stops until his case is fully resolved. In a crisis situation, when time is not available for pre-induction exams, men can file claims for postponement, exemption or deferment after being ordered to report for induction.

**In a crisis situation, when time is not available for pre-induction exams, men can file claims for postponement, exemption or deferment after being ordered to report for induction.**

*Two types of deferments or exemptions are available: administrative and judgmental.*

A man's eligibility for administrative classifications is decided by personnel at a Selective Service area office. These classifications are given to men who meet certain criteria. To get an administrative classification, a man does not need to have witnesses or make a personal appearance.

The following individuals are eligible for administrative classifications:

- Members on active duty in the U.S. Armed Forces
- Members of the National Guard, Reserves, or students in ROTC
- Veterans
- Certain public officials
- Dual nationals and certain non-citizens
- Men whose father, mother, brother, or sister was killed in action or died in the line-of-duty while serving in the Armed Forces or is missing in action. This exemption only applies during peacetime
- Treaty aliens

Judgmental classifications require, as their name implies, that a judgment be made by the Local Board. The Board must evaluate the registrant's claim on an individual basis, applying the rules and regulations of the law.

*The following individuals are eligible for judgmental classifications:*

- Men who believe themselves to be conscientious objectors
- Men whose induction would cause hardship on others

- Ministers of religion
- Students preparing for the ministry

In these categories, the man must file a claim and show supporting evidence that meets the qualifications of that specific classification.

A registrant does not have to submit supporting evidence at the same time he submits his claim. Once the area office receives the claim form, the man will be sent a letter. The letter may ask for more information to substantiate his claim. It might also ask him to appear before his Local Board in person.

If a man is making a claim for conscientious objector status, he *must* appear before the Board. No one else may take the man's place and present his case. However, he may have witnesses to reinforce his claim and may have someone there to advise him during the proceedings. In other cases, a personal appearance is optional.

The registrant will be ordered to report for examination before his claim for a judgmental classification has been processed. A registrant who has filed a claim only for Class 1-O, conscientious objector opposed to military participation in any form, can have his examination waived. If a man has been found to be physically, mentally, or morally unacceptable, his claim for reclassification will be abandoned and his 1-A classification will be changed to 4-F. If he is found acceptable, his claim will be decided on the basis of evidence he provides to support it.

A man's induction will automatically be delayed when he files a claim for reclassification. The Local Board or the Selective Service Area Office will decide whether to reclassify him. If the claim is denied, the man will be given the reasons for the denial and explain any further appeal rights he may have. If he does not appeal, the decision becomes final and he will be ordered for induction when his lottery number is reached.

If the area office denies a claim for an administrative reclassification, the man may ask that his Local Board review the office's denial. If the Local Board denies the administrative reclassification upon review, and if the vote is not unanimous, the man may appeal to the District Appeal Board. Any Local Board denial of a judgmental claim, even if the vote is unanimous, may be appealed to the District Appeal Board. All non-unanimous decisions of the District Appeal Board may be appealed to the National Appeal Board. ✦

## Summary of Important Points

1. The claim and appeal process is activated only after Congress, by law, has given the President the authority to induct men into the Armed Forces.
2. A claim may be filed only after receipt of a notice of acceptability following an Armed Forces physical.
3. There are two types of classifications: administrative and judgmental.
4. Claims for conscientious objectors require appearance before a Local Board.
5. The Board must notify the claimant in writing of its decision, and, if his claim is denied, the Board will state its reasons for the denial.

## Q&As

**Q: What are the two categories of classification decisions for claims for deferment or exemption from military service?**

A: The two categories are "administrative" and "judgmental."

**Q: Who acts on administrative claims?**

A: Personnel at the Selective Service area office act on administrative claims, based on documents submitted by the registrant.

**Q: Who acts on judgmental claims?**

A: The Local Board decides judgmental claims, and also considers review of administrative claims denied by the area office when requested to do so by the registrant.

**Q: When can a registrant file a claim for deferment or reclassification?**

A: After "passing" the physical exam and being classified 1-A, a registrant could request an exemption or deferment. In a crisis situation, when time is not available for pre-induction exam, a man can file a claim for exemption or deferment after being ordered to report for induction.

**Q: If the registrant is granted a postponement, does his 1-A classification change?**

A: No. The registrant remains in Class 1-A and is issued a new date to report for induction at the expiration of the postponement.

**Q: Does a registrant filing a conscientious objection claim appear before the Local Board?**

A: Yes. In order for the Local Board to judge the sincerity of the conscientious objector's claim, the registrant is required to make a personal appearance before the Local Board.

# Presentation Pages

The Selective Service System presentation pages can be downloaded instantly for your classroom use from the Internet as either a Microsoft PowerPoint presentation or as an Adobe Acrobat PDF file at www.sss.gov/tg2000.htm. You may also use the pages from the presentation section of this book to make transparencies or handouts.

## The Law: The Military Selective Service Act — Classroom Objectives:

- To understand key elements of the Military Selective Service Act.
- To understand one's legal obligations under the Military Selective Service Act.
- To understand "how" to register.
- To be aware of the consequences of not registering.

## History of Selective Service — Classroom Objectives:

- To recall the meaning of "Conscription."
- To understand the historical basis for conscription, its development in America, and the contrasting manpower needs of several periods in U.S. history.

## Local Boards — Classroom Objectives:

- To understand the purpose, duties, and responsibilities of the Local Boards.
- To describe claims and appeal processes.
- To understand and be able to recall the criteria for claims and cite examples of each of the judgmental claims.

**Presentation Notes — Page 54-56**

## The Law

# The Military Selective Service Act

- Establishes the Selective Service System (SSS)
- Mandates that SSS missions include delivery of manpower to Armed Forces in emergencies and administers the Alternative Service Program

*President Franklin Roosevelt signed the Military Selective Service Act*

(Slide 1)

## Who Gets Drafted Now?

- Nobody right now
- Congress must act to reinstate the draft
- Only males are required to register with the Selective Service System

*A man registering on-line with Selective Serivce*

(Slide 2)

## The Law

# What if I don't register?

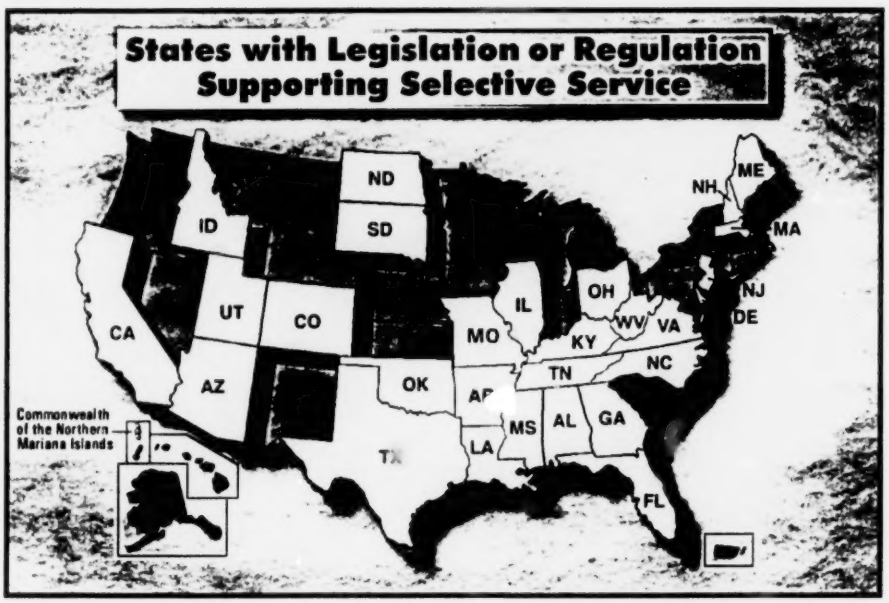
- No Federal grants or loans
- No Federal job training programs
- No Federal employment
- No U.S. citizenship for immigrants

DON'T TRASH
YOUR FUTURE...
REGISTER WITH SELECTIVE SERVICE
Or, Save a stamp. Save time. Register on-line.
Use the Internet to register at: www.sss.gov
Contact:

*(Slide 3)*

## What If I don't register?

- In most states, no state grants or loans
- In many states or cities, no government jobs

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(Slide 4)

## Men Who Don't Register Risk:

- Prosecution by Department of Justice
- Fine of up to $250,000
- Prison term of up to five years
- Both fine and prison term

*The Justice Department prosecutes nonregistrants*

(Slide 5)

## The Law

### A Matter of Fairness

- Men who do not register increase the likelihood of involuntary service for those who do register

*(Slide 6)*

## The Law

### Ways a man can register:

- By initiating a registration on-line through the Agency's web site at http://www.sss.gov
- By filling out a Selective Service registration form at any U.S. post office
- By completing a registration reminder postcard which he may receive in the mail shortly before his 18th birthday
- By telephone, if he receives a registration card in the mail from Selective Service with a PIN number allowing telephone registration
- At a High School participating in Selective Service's Registrar Program



(Slide 7)

## The Law

### More ways a man can register:

- At any U.S. Embassy or consular office
- By agreeing to be registered when completing a Federal student financial aid application or when applying for entry into a Federal job training program
- By completing the Immigration and Naturalization Service, "Application to Adjust Permanent Status," Form I-485 or the State Department Visa Application Form OF230

*(Slide 8)*

## History of the Selective Service

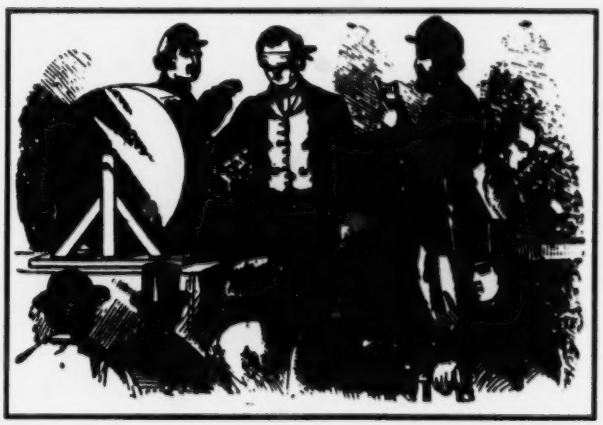
- Compulsory military service
- Origins: Roman Empire, U.S. — Colonial Times

(Slide 9)

## History of the Selective Service

### First Draft Laws

- First attempted during the Civil War
- In 1863, a law was enacted providing for an All-Federal Service



*A lottery drawing during the Civil War*

*(Slide 10)*

## History of the Selective Service

# First Draft Laws

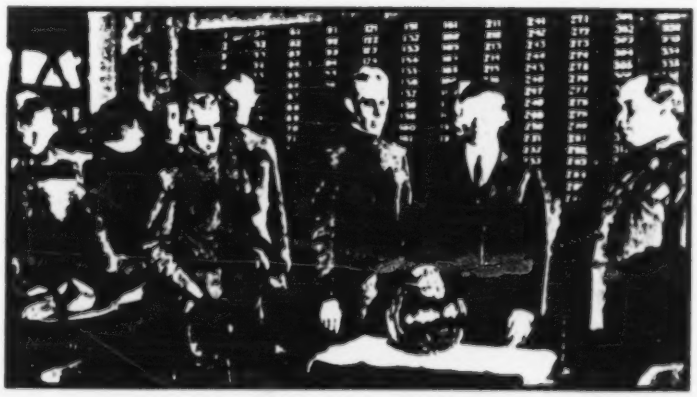
- Court upheld constitutionality — government has right to wage war and citizens have an obligation to serve
- Law provided 300,000 troops for nine months of service

*Civil War soldier*

(Slide 11)

## First Draft Laws

- 1917 — Comprehensive draft law allowed for conscription for duration of hostilities

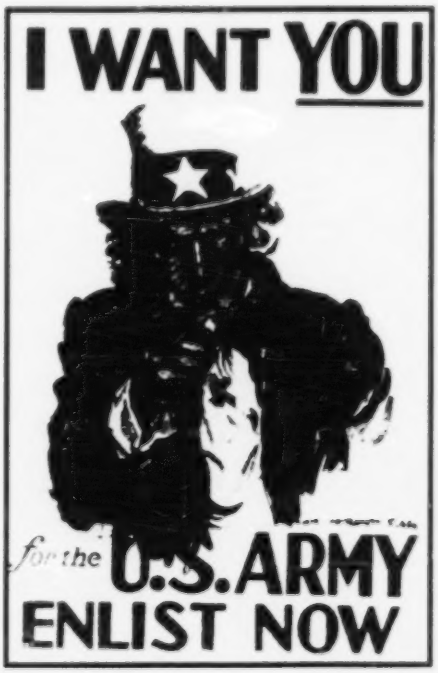


*Lottery drawing during World War I*

*(Slide 12)*

## The Draft

- Selective Training and Service Act of 1940 — First peacetime draft
- About 10 million men drafted and served
- Act expired in 1947, but was reinstated in 1948 due to military manpower shortages

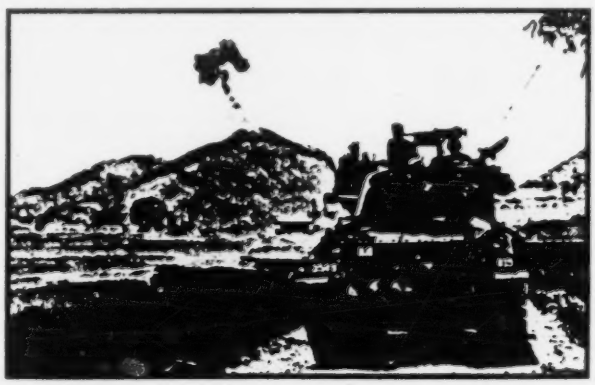



*Poster used to recruit volunteer soldiers*

*(Slide 13)*

## The Draft

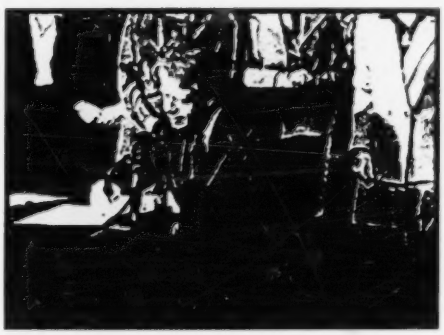
- Provided 1.5 million men during the Korean Conflict
- Draft continued through the Vietnam Era 1964 — 1973
- Provided over 1.8 million men



(Slide 14)

## The Draft

- The draft ended on June 30, 1973
- Registration ended March 29, 1975
- 1980 — President Carter reinstated registration after the Soviet Union invaded Afghanistan



*President Carter reinstated the registration requirement*

(Slide 15)

## The Fair Sytem: History

- Civil War: $$ would keep you exempt from serving in the North

*An advertisement during the Civil War*

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*(Slide 16)*

## History of the Selective Service

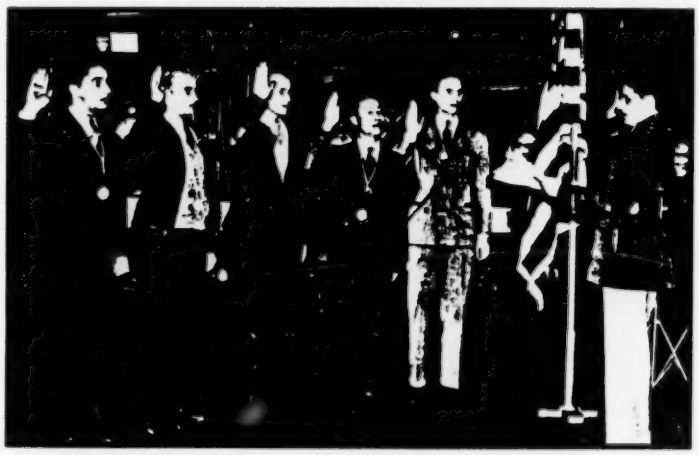
- **Occupations such as pharmacists, journalists, lawyers, and teachers were exempt from serving in the South**

*In the South, lawyers were exempt from the draft during the Civil War*

(Slide 17)

## History of the Selective Service

- **World War II — guidelines for draft interpreted in different ways. Unequal treatment of registrants in various parts of the country resulted.**

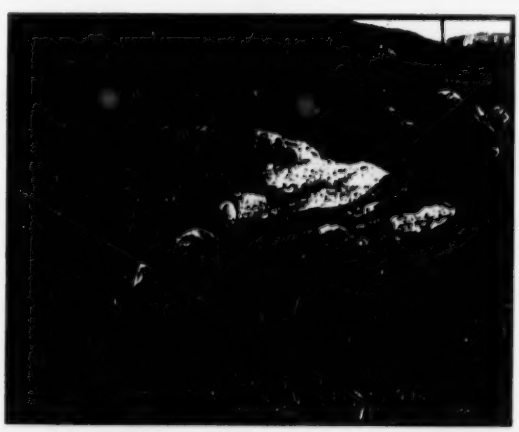


*Young men being inducted into the military during World War II*

*(Slide 18)*

## The Fair System: History — Vietnam Era Issues

- College students deferred
- Political influence resulted in preferential treatment
- Minorities and poor drafted disproportionately



*Men help a fellow U.S. soldier out of a jam during the Vietnam Era*

49

(Slide 19)

## Changes to the System:
## Three Major Reforms

- Restructuring of some categories of deferments, in particular student deferments resulting in fewer reasons for excusing a man from service and shorter deferment periods

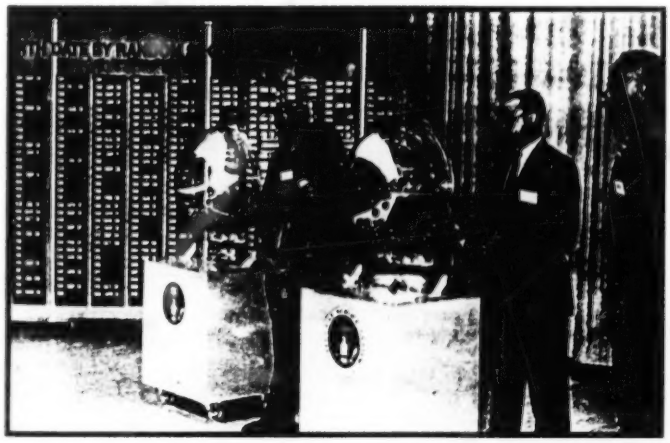
- A lottery based on birth dates began in 1969

- Changes in the first age group: Men reaching age 20 first, then 21, 22, 23, 24, 25, 19, and lastly 18

*(Slide 20)*

## The Lottery

- Used for random selection
- Two drums used — one containing 366 days in the year, the other containing 366 sequence numbers
- One birthday and sequence number are drawn



*Selective Service employees conduct a lottery exercise*

(Slide 21)

## Local Boards

- Made up of U.S. citizens at least 18 years of age, who are not members of the military

- Purpose: Decide claims for certain classifications that would exempt or defer a young man from service — examples include:

  — conscientious objection

  — ministerial student

  — minister of religion

  — hardship

- Members are trained initially in a two-day conference and attend yearly training sessions in order to maintain their skills

*(Slide 22)*

## Classification Process

- Registrant files paperwork stating nature of claim
- Board reviews claim — registrant may appear to describe his circumstances
- The board votes on the claim

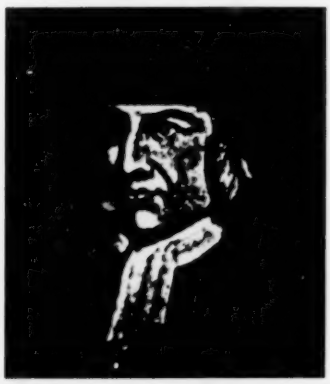
*Board Members meet to review registrant's claim*

(Slide 23)

## Classification Process

### Example: Conscientious Objector

- Religious, moral, or ethical beliefs prohibit him from participating in war
- Usually assigned to noncombat duty or civilian service



*Quakers and other organized "peace church members" generally would be granted Conscientious Objector status due to their religious beliefs*

(Slide 24)

## Classification Process

### Example: Ministerial Student

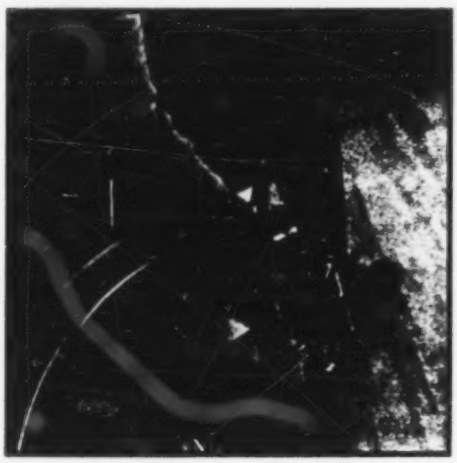
- Those studying to be a priest, minister, or rabbi
- Allowed to stay in school if making satisfactory progress

*Men studying to be ministers can be deferred from service*

(Slide 25)

## Example: Hardship Case

- Individuals who are supporting someone and whose absence would result in unreasonable hardship on this person



*Men whose absence would result in hardship to those who depend on them for support, may be deferred from the draft*

*(Slide 26)*

# Presentation Notes

**Slide 1— (page 28) The Military Selective Service Act**

***What's it called?***

The Military Selective Service Act (Title 50 U.S. Code, appendix 451-471)

***What did it do?***

It set up the Selective Service System in its current form and gave it a twofold mission.

(1) Delivers manpower to the Armed Forces in time of emergency

(2) Administers an Alternative Service Program for Conscientious Objectors

**Slide 2 — (page 29) Registration Requirements**

***Who gets drafted now?***

Authority for the President to induct (draft) men into the Armed Forces expired in 1973. The draft can only be reinstated after the Military Selective Service Act is amended by Congress.

Women are not required to register with the Selective Service System.

***What does it have to do with me?***

Section 3 of the Military Selective Service Act states that male U.S. Citizens and male aliens residing in the U.S., who are between the ages of 18 and 26, are required to register. Men born on or after January 1, 1960, must register with Selective Service within 30 days of their 18th birthday.

If you do not know if you should register, or you can not remember if you already have registered, call 1-888-655-1825 or go to www.sss.gov.

**Slide 3 — (page 30) Penalties — Educational, Job Training, and Federal Employment**

***So what? Big deal. What if I don't register?***

Once you reach the age of 26, you can't register. Men who are not registered with Selective Service may not qualify for the following: Pell Grants, Supplemental Education Opportunity Grants, Federal College Work-study, Federal Perkins Loans, Federal Family Education Loans, and Federal Direct Student Loans.

Men may also be disqualified for benefits associated with the Workforce Investment Act (WIA).

**Slide 4 — (page 31) Penalties — Continued.**

In addition, men who do not register may not qualify for Federal Employment.

***Remember:***

If you do not register you will not be eligible for these benefits. Also, many state and local governments require Selective Service compliance for employment or educational funds.

**Slide 5 — (page 32) Penalties — Department of Justice**

**Well, can anything else happen to me if I don't register and I'm supposed to?**

Yes! If you fail to comply with the Military Selective Service Act you could be prosecuted by the U.S. Department of Justice. Failing to register as required is a **felony**. Possible penalties inlcude:

- A fine of up to $250,000
- A prison term up to five years
- A fine and imprisonment

**Slide 6 — (page 33) A Matter of Fairness**

**What's the point of all of this?**

Fairness. Every man who fails to register is not only breaking the law, he is directly increasing the likelihood of involuntary service for those who are registered, should the draft resume.

People in the U.S. have rights, but they also have the responsbility of serving the Nation. Registration is each man's responsibility.

**Slide 7 — (page 34) Ways a man can register**

**Slide 8 — (page 35) More ways a man can register**

**Slide 9 — (page 36) Origins of compulsory military service**

**Slide 10 — (page 37) First Draft Laws — Lincoln**

President Lincoln needed 300,000 troops for nine months of service. He asked for a certain number from each state. Options for commutation or substituion were permitted. In the South, universal conscription applied after April 1862. There, too, a wide range of exemptions were allowed.

**Slide 11 — (page 38) First Draft Laws — Civil War**

**Slide 12 — (page 39) First Draft Laws — World War I**

**Slide 13 — (page 40) The Draft — World War II**

**Slide 14 — (page 41) The Korean Conflict and Vietnam Era**

The Korean Conflict prompted Congress to make the Selective Service System a permanent agency of the U.S. Government. These laws were responsible for the evolution of the draft into a permanent part of the military manpower procurement structure.

The last man inducted into the Army entered on June 30, 1973.

**Slide 15 — (page 42) End of Draft and Reinstatement of Selective Service System**

**Slide 16 — (page 43) Civil War — Money for Exemption**

**Slide 17 — (page 44) Civil War — Occupation Exemptions**

**Slide 18 — (page 45) World War II Guidelines**

**Slide 19 — (page 46) Vietnam Era Issues**

**Slide 20 — (page 47) System Major Reforms**

These reforms are in effect today. Students would be deferred until the end of the semester, or the end of the year, if they are seniors in college. Men aged 19 and 18 will be the last inductees taken if a draft were initiated. For a high school student, he is postponed until he graduates or reaches the age of 20, or if he is in his last academic year, until he completes it – even if he is 20.

**Slide 21 — (page 48) The Lottery**

**Slide 22 — (page 49) Local Boards**

Board Members many serve up to 20 years. They are uncompensated volunteers who serve in the communities in which they live. They are required to be fair and unbiased in the decisions they render.

**Slide 23 — (page 50) Classification Process**

A quorum is needed to pass judgment on a claim. The registrant must supply the proper documentation and evidence to support his claim. For example, if he is applying for a ministerial student deferment, he must supply the official transcripts of the school he is attending.

**Slide 24 — (page 51) Conscientious Objector**

Quakers were granted Conscientious Objector status.

**Slide 25 — (page 52) Ministerial Student**

**Slide 26 — (page 53) Hardship Case**

# Sources and Additional Reading

**The law under which the Selective Service System operates is the Military Selective Service Act. (Act of June 24, 1948, c. 625, 62 Stat. 604, as amended; 50 U.S.C. App. 451 *et seq.*). Selective Service Regulations are contained in Chapter XVI of Title 32 of the Code of Federal Regulations (32 CFR Chapter XVI).**

The periodic reports of the Director of Selective Service to the Congress, published annually from 1948 to 1967 and semiannually thereafter until the resumption of annual reporting for FY 1989, discuss the current activities of the Agency. These reports are usually available in the government documents section of major libraries. Detailed information concerning current Selective Service procedures is available from the Selective Service's Office of Public and Congressional Affairs.

Following is a list of books dealing with various aspects of Selective Service and the draft during various periods of history. This is only a partial listing and is not meant as a definitive bibliography, nor as an endorsement for any of the publications.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